

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. UNITED STATES OF AMERICA,

Plaintiff,

v.

1. 250,000 filled bottles of liquid product, more or less, of finished product, containing kratom, labeled in part: “Botanic Tonics Feel Free Plant Based Herbal Supplement”,

2. 1.5 tanks of liquid product, more or less, containing kratom,

3. 1,200 cartons of capsules, more or less, of kratom, labeled in part: “Botanic Tonics Feel Free Plant Based Herbal Supplement”,

4. Undetermined quantities of bulk powder kratom, labeled in part: “Green Nano”,

and

5. All other quantities of the aforesaid articles of food with any lot number and in any size or type container that are labeled or otherwise appear to contain, or are, kratom, located at 13105 East 61st Street, Suites A&B Broken Arrow, Oklahoma 74012-1191.

Defendant Articles.

Case No. 23-cv-168-JFH-CDL

ORDER GRANTING EMERGENCY APPLICATION FOR WARRANT OF ARREST IN REM AND ORDER DIRECTING UNITED STATES TO PROVIDE NOTICE

Now before the Court is the emergency application for warrant to arrest in rem (Dkt. # 4).

On April 26, 2023, a verified civil complaint for forfeiture in rem was filed herein (Dkt. # 2). Upon review of the verified complaint, the Court finds that the requested arrest warrant for the Defendant Articles should be issued, as (1) the Defendant Articles are located within this District and (2) there is probable cause to believe that the Defendant Articles are adulterated and therefore subject

to seizure under 21 U.S.C. § 334 because they violate the Federal Food, Drug, and Cosmetic Act (“Act”), 21 U.S.C. § 301 et seq.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s emergency application for warrant of arrest *in rem* (Dkt. #4) is granted.
2. The United States shall provide direct notice of this action and a copy of the complaint to any person who reasonably appears to be a potential claimant, pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Supplemental Rules) and any applicable Local Rules of the Court.
3. The United States shall also publish notice of this action and of the arrest of the defendant articles pursuant to Rule G(4)(a) of the Supplemental Rules and any applicable Local Rules of the Court. Such notice shall specify the time within which a claim and answer must be filed as required by Supplemental Rule G(5).
4. The United States shall further comply with all other applicable provisions of Rule G of the Supplemental Rules.

IT IS SO ORDERED this 26th day of April, 2023.



CHRISTINE D. LITTLE
UNITED STATES MAGISTRATE JUDGE